

Application Serial No.: 09/683,392
Amendment Dated: August 18, 2003
Reply to Office Action of March 17, 2003

R E M A R K S

The Examiner's comments in the March 17, 2003, Office Action have been carefully considered. Reexamination of the present Application in view of the following remarks and the preceding amendments is respectfully requested.

Status of Claims

Claims 1-14 remain in this application. Claims 1, 4, and 10 have been amended, and Claims 15-22 have been cancelled, the subject matter of Claims 15-22 having been previously withdrawn as the result of an earlier restriction requirement, are now presented in a co-pending divisional patent application, Serial No. 10/249,418. New Claim 23 consists of a re-presentation of original Claim 1 with the limitations of original Claim 3.

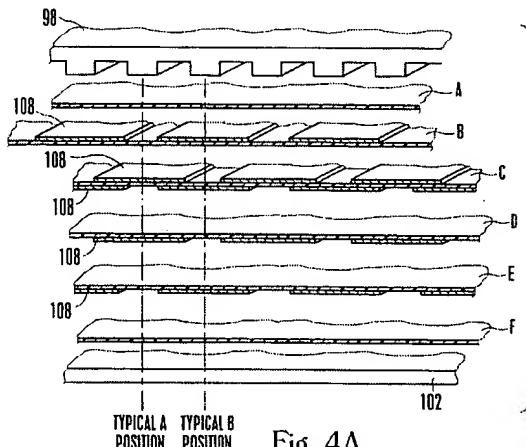
Allowable Subject Matter

Applicants acknowledge with appreciation the indicated allowability of Claims 4-7 and 10-12. By the present amendment these claims have been re-written to place them in allowable form. Their prompt allowance is respectfully requested.

Applicants' Invention

One aspect of Applicants' invention is best understood in the context of Figures 4A and 4C, and the discussion of the specification, paragraph 0034:

As mentioned earlier, such alternation of clear and metal surfaces is required to form the various baffles in the multi-layer inflatable. Upon pressing down on the layers as shown arranged in Figure 4A with the heated tool 98, provided



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the appropriate temperature is maintained, only adjacent clear strips will adhere to one another, and the metal strips function as release surfaces relative to an adjacent clear surface. Such vertical compression is shown in Figure 4B, which in turn results in creating an array of alternating seams of attachment joining adjacent outer and intermediate layers. These seams of attachment form, in effect, an interconnected web. Upon inflation, this web expands to form a multi-layer baffle construction having a plurality of individual baffle chambers, which is shown in Figure 4C.

As will be discussed in greater detail below, these structures, are not present in the prior art references cited by the Examiner.

Section 102(b) Rejection - Malcolm

Claims 1-3, 8, 9, 13, and 14 are rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,091,482 to Malcolm. The anticipatory structure is not identified, the Examiner merely states: "[the identified claims] as being clearly anticipated by Malcolm." Bereft of guidance from the Examiner as to the structure in Malcolm being relied upon under the §102 rejections, Applicants necessarily must engage in a type of analysis that is reminiscent of shadow boxing.

Malcolm '482 discloses an inflatable air mattress that makes use of strips of metallized plastic film as the lofting

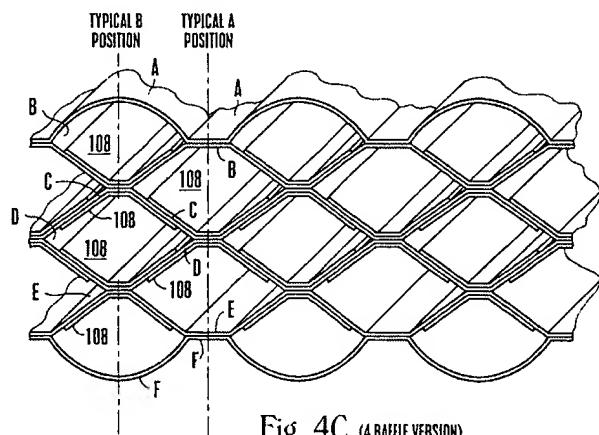


Fig. 4C (4 BAFFLE VERSION)

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and insulating material. The Abstract of Malcolm states as follows:

A mat having layers of impermeable material adapted to inflation as an air-mattress, inflatable blanket or component of a sleeping bag, and containing an insulating amount of a lofting shredded metallized plastic web, and having a valve means for inflation and deflation of the mat. The insulating plastic web may comprise a plurality of webs of metallized plastic film, said webs having at least sections thereof in strip form, oriented randomly in non-planar configurations. The impermeable material is made from plasticized material such as urethane coated nylon fabric or plastic coated cotton fabric.

The manner in which the Abstract makes use of the term "web" is misleading in the context of the entire patent disclosure.

Figure 2 illustrates an inflatable mattress filled with a great number of plastic strips, which provide additional insulation - and are preferably metallized to reduce the amount of radiation loss. Figures 12 and 14 show interior webbing within the inflated

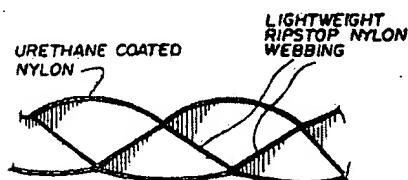


FIG. 12

mattress. Unfortunately the drafter did not make use of reference numbers with most of the figures, and the disclosure



FIG. 2

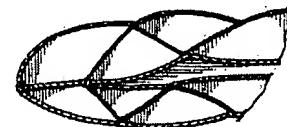


FIG. 14

associated with Figures 12 and 14 is as follows:

FIG. 12 shows a partial section through a typical portion of the upper or lower sleeping bag panels. FIG. 13 shows the partial section of a side seam

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of the bag. FIG. 14 shows a partial section of a bottom seam on the foot portions 31 of the bag.

The only discussion of the webbing shown in Figures 12 and 14 occurs in the invention "summary" section:

In constructing a sleeping bag the material for the impermeable layers may be a standard dingy or plasticized coated rip-stop nylon such as urethane coated material. Other materials such as cotton drill which has been coated with plastic may also be useable. The material must be capable of holding a positive air pressure for a suitable length of time such as 8 to 10 hours. The interior webbing forming partitions in the center of the mat in a sleeping bag should be made of something light and strong. Its sole purpose is to keep the filling material from shifting about in the leg. We have found that very fine nylon material is suitable for this. It need not be impermeable and thus is not coated.

Outside of the Abstract phrase "insulating plastic web may comprise a plurality of webs of metallized plastic film," all other disclosure relating to metallization is limited to the plastic lofting material - not the web material itself.

Claim 23

As noted previously, Claim 23 is a re-presentation of Claim 3 written in independent form. Claim 3 requires that the material layers be metallized in selected locations. Since the web material in Malcomb is not metallized, the allowance of new Claim 23 is respectfully requested.

Claims 1, 8, and 13

As originally submitted, Claim 1 recited a plurality of material layers attached together around the outside to form an envelope and between adjacent layers to form baffles. The

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Examiner provides no explanation of specific rejections; however, one might consider this language to also describe the structure of Figure 12 - or Figure 14 of Malcolm.

A closer examination of the claimed structures reveals significant differences from Malcolm. The claimed insulated panel has a multiple-web or layer construction while Malcolm in Figures 12 and 14 shows only a single intermediate web between the outer and inner layer. To reflect this difference in structure, Claim 1 has been amended to include the following recitations:

a plurality of material layers attached to one another along a substantial portion of an outer periphery of each of said material layers in a manner forming an envelope having an opening and a fluid containment region and defining an outer material layer, a fluid containment material layer, and a plurality of inner material layers located therebetween.

The plurality of individual baffle chambers are created within this plurality of material layers by:

a plurality of inner seams selectively attaching specific adjacent inner material layers to one another and to the outer and the fluid containment material layers at pre-determined locations throughout said plurality of material layers.

As originally presented, Claim 8 already includes reference to "a plurality of intermediate sheetform layers...extending between said pair of sheetform outer layers," and "an array of alternating seams of attachment joining adjacent sheetform outer and intermediate layers in a manner forming an interconnected web that...expands to form a plurality of individual baffle chambers."

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The structure of Claim 13 defines "a weepage opening." No such structure is disclosed in Malcolm.

Section 102 Analysis

A Section 102 analysis begins with the often-repeated standard:

Anticipation under 35 U.S.C. Section 102(e) requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegall Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)

In re Robertson, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999). In Claims 1 and 8 Applicants have specified more than one intermediate web layers. Claim 13 defines a weepage opening - an unsealed interval along an attachment seam joining together edges of an opposed pair of liner walls. Finally, in Claim 23 multiple ones of a plurality of surfaces of said plurality of material layers are metallized at selected locations.

In each case these "elements" are not expressly or inherently described in the Malcolm reference. The various dependent claims add additional limitations and are allowable over Malcolm for the reasons discussed above. Withdrawal of the rejections under Section 102(b) of Claims 1-3, 8, 9, 13, and 14, as amended and/or re-presented, is respectfully requested.

Conclusion

The fees required for an Extension of Time accompany this Amendment. If there are any questions or other issues that might be resolvable by a telephone call with Applicants'

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counsel, the Office is invited to place same at the number indicated below.

Respectfully submitted,

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